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October 2, 2020

VIA CM/ECF

The Hon. Brian R. Martinotti, U.S.D.J.
United States District Court, New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608

Re: Downs Ford, Inc. v. Zurich Am. Ins. Co.
Civil Action No.: 3:20-cv-08595-BRM-ZNQ
Our File No. 1573.781

Dear Judge Martinotti:

We represent Defendant Zurich American Insurance Company (“Zurich”) in connection with the above-captioned matter. On September 1, 2020, Zurich filed its Reply in support of its Motion to Dismiss (ECF Doc. #13.) Since that filing, multiple courts have issued orders and opinions directly pertinent to Zurich’s motion. Accordingly, we respectfully request that Your Honor accept this letter in lieu of a more formal notice of supplemental authorities.

In each of the following cases, the court held that there was no coverage for the insured’s financial losses sustained in connection with the COVID-19 pandemic because the policy at issue contained a virus exclusion and granted the insurance company’s motion to dismiss:

- *Wilson v. Hartford Casualty Company*, Case No. 2:20-cv-03384-ER (E.D. Pa. Sept. 30, 2020);
- *It’s Nice, Inc. v. State Farm Fire & Casualty Company*, No. 2020L000547 (Ill. Cir. Ct. Sept. 29, 2020);
- *Franklin EWC, Inc. v. The Hartford Financial Services Group, Inc.*, Case No. 20-cv-04434-JSC, 2020 WL 5642483 (N.D. Cal. Sept. 22, 2020); and
- *Mauricio Martinez, DMD, P.A. v. Allied Insurance Company of America*, Case No. 2:20-cv-00401-JLB-NPM, 2020 WL 5240218 (M.D. Fla. Sept. 2, 2020).

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A copy of each decision is attached to this letter.

Respectfully,

/s/ Philip C. Silverberg

Philip C. Silverberg

Encls.

cc: Carluccio, Leone, Dimon, Doyle & Sacks, LLC (*Via CM/ECF*)